

Honorable J Richard Creatura

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,

Plaintiff

v.

JOE DELFGAUW, XANADU
MARKETING INC., EXPERIAN
INFORMATION SOLUTIONS INC.,
STARTER HOME INVESTING INC, &
JOHN DOE 1-10
Defendant(s).

CASE NO. **3:21-cv-05610-JRC**

5.9.2022 LETTER TO THE COURT

Plaintiff Nathen Barton submits this letter to the Court in response to Opposing Counsel's ("OC") letter in Dkt. 158. OC sent Dkt. 158 to the Court without attempting to consult with Plaintiff.

Dkt. 158 is a bit misleading – OC and I have not had scheduling issues. On Wednesday May 4, I sent OC a draft report (attached at Exhibit A) to which OC has not responded to me.

The email where I sent the draft report to OC is attached as Exhibit B.

1 Plaintiff proposes the following plan of action:

- 2 a. Deny Dkt. 136 as moot. The Scheduling Order of Dkt. 125 set a “All motions related
3 to discovery must be noted by” date of June 3. Defendants have answered all
4 propounded interrogatories and document requests.
- 5 b. Enforce the 5/10/2022 Joint Status Report deadline. Plaintiff turned over the
6 document draft (Exhibit A) on May 4. OC need only fill out her responses.
- 7 c. Compel/deny compelling based on the 5/10/2022 Joint Status Report.
- 8 d. Rule on Dkt. 154 without a hearing. The Defendants chose not to file a response and
9 they are fully aware the Court may consider that an admission that the motion has
10 merit.
- 11 e. Should the Court not outright grant Dkt. 154, Plaintiff would argue that as Defendants
12 fabricated a document related to IP Geolocation, they be barred from presenting any
13 IP Geolocation documents in a motion, in a response, in a reply, or at trial.

14 (2) *Obligation of Opponent.* Each party opposing the motion shall, within the time
15 prescribed in LCR 7(d), file with the clerk, and serve on each party that has appeared in
16 the action, a brief in opposition to the motion, together with any supporting material of the
17 type described in subsection (1). Except for motions for summary judgment, if a party
fails to file papers in opposition to a motion, such failure may be considered by the court
as an admission that the motion has merit.

18 OC is unable to commit to appearing at the hearing, and Plaintiff has not caused OC to be
19 unable to participate in generating the Joint Status Report. Therefore, Plaintiff proposes a
20 reasonable and efficient way to resolve the pending motions.

21
22
23 s/ Nathen Barton
(signed)

5/9/2022
(Dated)

1 Nathen Barton
2 (469) 347 2139
3 4618 NW 11th Cir
4 Camas WA 98607

5 CERTIFICATE OF SERVICE

6 I hereby certify that on April 26, 2022, I caused the foregoing document to be
7 electronically filed with the Clerk of the Court using the Electronic Filing (CM/ECF) system,
8 which will send notification of such filing to all counsel of record and all pro se parties registered
9 to use the CM/ECF system.

10 s/ Nathen Barton

Nathen Barton

5/9/2022

(Dated)